REMARKS

Claims 2, 3, 10, 13, 15, and 17-27 are all the claims pending in the application, including new claims 21-26 added by the present Amendment.

Claims 15 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by previously-cited Abe (US 5,568,194).

Claims 2, 3, 19 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by previously-cited Terashita (US 5,767,983).

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of previously-cited Ishikawa et al. (US 5,682,573).

Claims 10 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terashita in view of previously-cited Saito (US 5,010,393).

Applicant responds to the claim rejections in the following manner.

For claims 15 and 17, Applicant amends claim 15 to further define the thumbnail images by reciting that each of the thumbnail image signals comprises a reduced size image of its respective image of the plurality of images. Applicant submits that Abe does not teach or suggest this feature of claim 15. Abe discloses dividing up of an image into 8x8 blocks. See col. 3, lines 25-43. Each of the 8x8 blocks of data in Abe is a portion of a complete image, rather than a reduced size image of a respective image. Therefore, claim 15 and its dependent claim 17 are not anticipated by Abe.

Included in the amendment of claim 15 is a correction to the wording of the claim by reintroducing the words "each of" into the claim. These words, which appeared in original claim 1, were inadvertently removed in the Amendment filed April 23, 2003.

With respect to the rejection of claims 2, 3, 19 and 20, Applicant has the following comments. In the Amendment filed November 12, 2003, Applicant argued that Terashita fails to disclose wherein the image processing is carried out by weighting the averages by using a predetermined weight coefficient and that the Examiner may not combine the teachings of different embodiments unless there is a basis to do so. In response to these arguments, the Examiner argues that different embodiments have not been combined. Rather, the Examiner asserts that Terashita discloses different aspects of his invention that are used in combination to teach that the image processing is carried out by weighting the averages by using predetermined weighting coefficients. See Office Action, page 2.

Claim 2 describes that the average value of interest comprises a total average of averages. To the extent that different color densities are contemplated by Terashita, they do not comprise a total average of averages as claimed. Thus, claims 2 and 3 are allowable over the prior art.

Claim 19 is allowable for analogous reasons to those for claim 2.

The Examiner asserts that Terashita discloses the feature of claim 20 of wherein the characteristic value relates to at least one of brightness, tone and sharpness of the image sensing device and is determined using digital image data derived from more than two different images photographed by the image sensing device. In this regard, the Examiner points to col. 7, lines 15-66 and col. 10, lines 26-39. The Examiner interprets the total average of the average of all three of the color signals into a single color signal represents brightness of the pixels. To the extent that Terashita discloses use of averaging, it is not clear that the reference refers to a total average of averages as stated by the Examiner. For example, disclosed in col. 7, lines 23-34 of Terashita is the following:

> *As the film characteristic data, it is possible to adopt the following: the tricolor average density of the film; a color balance such as each color density or color difference with respect to that density; a density with respect to a predetermined exposure amount; a base density of the film; each color density or an average density with respect to a monochromatic light source; each color density or an average density with respect to a white light source; and each color density difference or an average density difference color, or a density histogram or a cumulative curve with respect to a monochromatic light source or a white light source.*

The above disclosure corresponds to individual color averages, rather than a total.

Based on the foregoing, claims 2, 3, 19 and 20 are allowable over the prior art.

For the rejection of claim 18, Applicant submits that claim 18 is allowable over the prior art, at least because of its dependence from claim 15, and because Ishikawa fails to make up for the deficiencies of Abe described above in relation to claim 15.

Claims 10 and 13 are rejected over the combination of Terashita and Saito. The Examiner concedes that Terashita does not teach that the characteristic value is a value regarding chroma or color saturation of each of the digital image signals. Instead, the Examiner asserts that Saito discloses the features missing from Terashita. Applicant submits that Saito does not teach or suggest the feature of claim 10 that the characteristic value, when each of the digital image signals is composed of RGB color signals, is a value regarding chroma or color saturation of each of the digital image signals. The Examiner cites col. 1, lines 53-68 of Saito, which discloses the following:

> *Accordingly, it is an object of the invention to provide a method and apparatus for adjusting chroma which is capable of reproducing colors well even when chroma is low, for instance, when the scene is in the shade, under dark illumination or the like, in adjusting white balance automatically by use of an internal light measurement system.*
> *In order to attain the above object, according to the invention, there is provided a chroma adjusting method which can be applied to an automatic white*

> *balance adjusting method to control the gains of red and blue signals in*
> *accordance with signals obtained by photographing an object, in which chroma*
> *information corresponding to the ratio of high-chroma colors in the entire screen*
> *is obtained in accordance with the signals obtained by photographing the object.*

Although Saito discloses obtaining and adjusting chroma, Saito does not teach or suggest

extracting a value regarding chroma as a characteristic value representing a characteristic value

of an image sensing device, as required by claim 10. Nothing in the cited excerpt or the

remainder of the reference indicates that the chroma values in Saito are a characteristic value

representing a characteristic value of an image sensing device extracted from digital image

signals of a plurality of images of subjects photographed by the image sensing device. Thus,

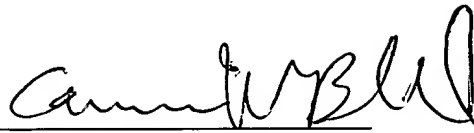claim 10 and its dependent claim 13 are allowable over the prior art.

New claims 21-22 are added to describe features of the thumbnail more particularly.

Claim 23-25 are added to provide an alternative scope of coverage, omitting the brightness

characteristic of claim 20. Claim 26 is added to further define the digital images signals. Claim

27 is added to further define the present invention. New claims 21-27 are believed to be

allowable, at least because of their dependence from claims 15 and 20, respectively.

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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